

MINUTES

PLAN COMMISSION

OF THE TOWN OF POLK

POLK TOWN HALL 3680 Hwy 60, Slinger, WI. 53086

7:30 PM Monday, February 9, 2015

Approved 3-3-2015

I. Call meeting to Order. The meeting was called to order by Chairman Albert Schulteis at 7:30PM. The Pledge of Allegiance was recited.

- A. Official Meeting Notification. **Chairman Schulteis reported that the notice of the meeting** was sent to the West Bend Daily News, the Hartford Times Press, WBKV, WTKM, Milwaukee Journal Sentinel, and posted at the Town Hall, Roskopf RV Center, and Cedar Lake Hills bulletin boards.
- B. Roll Call. Present: Chairman Albert Schulteis, Supervisor Robert Roecker, Karen Reiter, Dennis Sang, Mark Peters Timothy Yogerst, Zoning Secretary Tracy Groth. Building Inspector, John Frey. Excused Absence, William Whitney.
- C. Moment of Silent Prayer. Chairman Schulteis asked for a Moment of Silent Prayer.
- D. Approval of the Minutes of the Plan Commission January 6, 2015. Karen Reiter moved to accept the second draft of the Minutes as presented. Dennis Sang seconded the motion. All voted in favor and the motion carried.

II. Unfinished Business – NONE

III. New Business

- A. **Business Use Permit for Object Controls, Inc. in Accordance with Title X Zoning Ordinance Section 3.08, to operate an engineering firm focusing on Industrial Automation. 2623 State Hwy 175, Suite A, Richfield, WI 53076. Section 35, Tax Key #T9-1028-00T. Zoned M-1 Industrial District. Kevin Daywalt, Business Owner, Brue Brothers, LLC, Property Owner.** Chairman Schulteis invited applicant Kevin Daywalt to present to the Commission. Daywalt stated that Object Controls is an industrial automation company. Karen Reiter asked if the parking would be in front of the building and loading in back. Kevin Daywalt answered, 'Yes'. Reiter asked if the signage would be changing. Daywalt answered that current signage would be changed to his company's name and logo. They are currently working with a graphic artist to change the facing of the sign. Schulteis confirmed with Daywalt that the business will be operating from an existing building and that no changes are being made to the site. Karen Reiter moved to recommend to the Town Board the approval of the Business Use Permit for Object Controls, Inc. to operate an engineering firm focusing on Industrial Automation. Dennis Sang seconded the motion. All voted in favor and the motion carried.
- B. **Certified Survey Map to create one seven (7) acre lot from an existing .98 acre parcel # T9-0045 and parts of the of the existing 38.11 acre parcel # T9-0041, Mayfield Road, Part of the NE ¼ of the SE ¼ of the NE ¼ of Section 2, Town of Polk, Washington County, Wisconsin. Zoned A-1 General Agricultural District. John R Peil Property Owner.** Chairman Schulteis invited John Peil to present to the Plan Commission. Peil stated that he had no information to add beyond the application. Karen Reiter stated that she had "concern over the high power voltage lines and the electromagnetic field that is generated by them." Reiter was concerned about the effect of the power lines on those that would build close to the power lines. Her estimation was that there was only 450 feet from the high power lines to where the home could be built. Reiter referred to her internet research that recommends at 350 yards distance from power lines to home sites [Reiter also stated that these findings are inconclusive]. Reiter asked the applicant if a building site on the property "could meet those criteria"? Joe Weiss, real estate representative for the applicant stated "There should be. The buyer of the property is aware of the power lines". Schulteis commented that he also did some research on the effects of high voltage power lines and found study results inconclusive. However, he has had some experience with what stray voltage can do with cattle and feels that the potential "buyers should be aware of it". Weiss stated that the potential buyer is a fireman and that "they do study some of these things". Schulteis stated that according to the topographic map provided, there is enough pitch [12 feet] for a building site. There was concern that the area would be too wet for a foundation. However, the soils test and topography indicate that there is an appropriate building/septic site. Schulteis referred to Title X Section 2.06 which refers to soils and mottling. When the hole is dug, the Building Inspector will be able to determine whether a basement can be built. Dennis Sang asked if a soil study should be done. John Frey, Building Inspector, stated that "Polk is in the Kettle Moraine with highly variable soils. I assume that the house will be built on the high side. The footings must be built at least two feet above any indication of high ground water." Mark Peters asked about plans for the back forty acres [connects to the

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NW corner of parcel T9-0041]. Weiss indicated that the parcel is almost landlocked. [There is a 21 foot wide connection to T9-0041]. There was discussion as to whether the CSM under consideration could be amended to accommodate a 66' foot wide access into the NW 40 acre parcel. After discussing various scenarios, it was determined that amending the CSM request would not resolve the access issue to the NW 40 acre parcel. Dennis Sang moved to recommend to the Town Board the approval of a CSM to create one seven (7) acre lot from an existing .98 acre parcel # T9-0045 and parts of the of the existing 38.11 acre parcel # T9-0041. Section 2, Town of Polk, Washington County, Wisconsin. Zoned A-1 General Agricultural District. John R Peil Property Owner. Robert Roecker seconded the motion. Chairman Albert Schulteis, Supervisor Robert Roecker, Dennis Sang, Mark Peters, Timothy Yogerst voted aye. Karen Reiter voted nay. The motion carried.

- C. **Certified Survey Map** to create three (3) Lots and two (2) Out Lots from all of Parcel Two (2), Parcel Three (3) and all of the Reservation for Future Private Road as shown on Certified Survey Map No. 2050; and all of Lot (1) and Lot (2) as shown on Certified Survey Map No. 2576. Town of Polk, Washington County, Wisconsin. Section 36, Tax Key Numbers T9-1061-00B; T9-1061-00E; Zoned B-1 Business Use and A-1 General Agricultural Use. Barbara Sobocinski/Dianne Fulbright Parr (Elva Marks Estate) Property Owners. Walter J. Baehr prospective buyer.

Chairman Schulteis invited Walter Baehr to provide an overview of the proposed CSM. Baehr stated that there is currently a 15 acre parcel that we [Property owners of Lots located in the original CSM No. 2050] want to buy from the existing land owners. We would like to divide that lot and divide it among us by attaching it to our properties. Three of the 15 acres would attach to a parcel to the north [CSM No. 6029]. Schulteis referred the commission to the CSM map for clarification and to direct attention to the modification to the cul de sac to tear drop to the east to reduce infringement onto proposed Lot 1 and to reduce the removal of trees. Baehr stated the group's interest is in preserving the woodlands and the Upland Conservancy. The Deed and Covenants to the property will have various stipulations as to the preservation of the Upland Conservancy and succession of ownership of Outlot 2. John Frey interjected that the existing covenant would also be modified to eliminate proposed Lot 3 and Outlot 2 from participating in building the private road should the Town require the road to be built. Depending on the circumstances, proposed Lot 1 and Lot 2 would be responsible for building the road. A private road agreement would be required by the Town. Karen Reiter asked if the entirety of the existing 15 acre lot would remain in conservancy according to their Covenant. Baehr answered, "Yes". Andy Williams asked under what circumstances the Town would require that the road [Outlot 1] be installed. Chairman Schulteis that the division of Lot 1 or Lot 2 would and/or further commercial development, or change of use, on those proposed Lots would necessitate the building of the road. The expansion of William's current business use would not necessitate the building of the road. Williams asked if adding mini-storage buildings would necessitate the building of the road. The consensus of the commission was that a road would have to be built under that circumstance because adding a new business would increase traffic and use of access to his [Williams] lot.

Baehr commented on some of the revisions to the current covenant. Some of those covenant changes would protect the zoning of the parcels and the annexation of the parcels within the proposed CSM. Frey suggested that a recorded copy of the revised covenants are presented to the Town. Baehr and the other neighbors have not yet purchased the 15 acre parcel; they are seeking preliminary approval of the CSM. If approved, the group will make an offer to purchase the property. The property had been sold at auction on December 20, 2014. The property covenants allow the property owners of the original CSM No. 2050 the first right of refusal to purchase the property. Schulteis commented that if the sale of the 15 acre lot were to be completed by the successful bidder at the December auction, the Town would require that the road be built in order to issue a building permit on that parcel. The property owners within the covenant, would be equally responsible for building the road. Robert Roecker inquired as to whether the new covenant and revised CSM would then stipulate a Private versus Public road should the road ever have to be built. Baehr stated that the Road would be private and a Private Road Agreement would be drafted and recorded.

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There was discussion to re-locate the cul de sac shown on the Preliminary CSM. After discussing various scenarios, the consensus of the Commission was that the cul de sac was located on the CSM to the best advantage for further development of the parcels. The CSM could be modified in the future should a new development plan be presented to the Town.

Karen Reiter moved to recommend to the Town Board the approval of the Preliminary/Concept CSM for Walter Baehr with the following conditions:

- Lot 2 is not accessible to Mayfield Way.
- Lot 3 in no way responsible for the installation or maintenance of the private road [Outlot 1].
- The division of Lot 1 or Lot 2 will trigger the installation of the private road to Town standards by the property owner requesting the land division.
- Any further Commercial development, or change in use, will trigger the installation of the private road to Town Standards.

Mark Peters seconded the motion. All voted in favor and the motion carried.

D. Zoning Violations. None.

IV. Other Business

- A. Correspondence. NONE
- B. Informational Items. NONE
- C. Zoning Board of Appeals Report. NONE. The Zoning Board of Appeals did not convene in December 2014.

V. Adjourn. Karen Reiter moved to adjourn the meeting. Dennis Sang seconded the motion. The meeting adjourned at 8:42 PM.

Respectfully submitted:

Tracy Groth
Zoning Secretary